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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/060,565	01/30/2002	John R. Stewart	2063.003600	7804

23720 7590 06/17/2004

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EXAMINER

JOHNSON, STEPHEN

ART UNIT	PAPER NUMBER
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3641

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Applicati n No. 10/060,565	Applicant(s) STEWART, JOHN R.	
	Examiner Stephen M. Johnson	Art Unit 3641	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-45 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 30 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. Claims 2, 23, and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 2 and 32, it is not understood as to how “three-dimensional data comprises LADAR data” can be claimed when a LADAR transmitter has not been previously claimed. In claim 23, the phrase “the LADAR system” lacks an antecedent.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3, 5-6, 8-11, 15-17, 21, 24-26, 29-35, 37-38, 41-42, and 44-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Cosman.

Cosman discloses a method comprising:

- | | |
|--|---|
| a) sighting a position correlated to at least a subset of
a 3-dimensional data set; | col. 4, lines 14-40 |
| b) targeting a control system to the position from the 3-
dimensional data set; and | col. 4, lines 35-38;
col. 16, lines 6-10 |
| c) processing and displaying the 3-dimensional data. | 38, 38A, 39;
col. 8, lines 12-22 |

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 4, and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cosman in view of Wangler.

Cosman applies as previously recited. However, undisclosed is a camera that is LADAR camera. Wangler teaches a camera that is a LADAR camera, see entire disclosure. Applicant is substituting one type of camera for another. It would have been obvious to a person of ordinary skill in this art at the time of the invention to apply the teachings of Wangler to the Cosman method and associated apparatus and have a method and associated apparatus that uses a different type of camera.

6. Claims 12-14, 19, 36, 39-40, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cosman in view of Smith et al..

Cosman applies as previously recited. However, undisclosed is a storage medium that includes floppy disks; magnetic storage medium; and an optical disk. Also undisclosed is a touch screen to denote the target. Smith et al. teach a storage medium that includes floppy disks; magnetic storage medium; or an optical disks (see col. 3, lines 4-6). Smith et al. also teach a touch screen to denote a target (see figs. 3, 4). Applicant is selecting a particular type of storage medium for the storage medium disclosed in Cosman; said storage medium being commonly known in this art. Applicant is also substituting one means for denoting a target for another in an analogous art setting. It would have been obvious to a person of ordinary skill in this art to apply the teachings of Smith et al. to the Cosman apparatus and associated method and have an

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apparatus and associated method that uses a different type of storage medium and a different type of target denotation means.

7. Claims 1-2, 4-11, 15-18, 20, 25-35, 37-38, 41-42, and 44-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jenkins et al. in view of Turner.

Jenkins et al. disclose a method and associated apparatus for targeting comprising:

- a) program storage medium for storing 3-dimensional data; col. 5, lines 5-17
- b) a controller for generating the 3-dimensional data; col. 3, lines 64-67;
and col. 4, lines 1-3 and col. 4, lines 1-3
- c) a controller indicating a subset of the 3-dimensional data; and col. 4, lines 1-3 and
22-27
- d) providing a target location for a target platform using the col. 20, lines 1-62
a subset of 3-dimensional data.

Jenkins et al. apply as recited above. However, Jenkins et al. does not explicitly disclose targeting using the target location data supplied to a target platform, see col. 20. Although it is hard to image what other use a targeting platform would have for target location data, none the less a teaching that explicitly teaches using target location data and its associated control system on an associated platform used for targeting or pointing a gun at a target has been provided (Turner, see entire disclosure and fig. 2 with associated description in particular). Applicant is putting the method and associated apparatus of Jenkins et al. to use as explicitly encouraged by Jenkins et al. (see col. 20) in an analogous art setting. It would have been obvious to a person of ordinary skill in this art at the time of the invention to apply the teachings of Turner to the

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Jenkins et al. apparatus and associated method and have an apparatus and associated method used in combination with a control system for targeting via target location data.

8. Claims 12-14, 36, and 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jenkins et al. in view of Turner as applied to claims 1-2, 4-11, 15-18, 20, 25-35, 37-38, 41-42, and 44-45 above, and further in view of Smith et al..

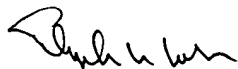
Jenkins et al. and Turner apply as previously recited. However, undisclosed is a storage medium that includes floppy disks; magnetic storage medium; or an optical disk. Smith et al. teach a storage medium that includes floppy disks; magnetic storage medium; or an optical disks (see col. 3, lines 4-6). Applicant is selecting a particular type of storage medium for the storage medium disclosed in Jenkins et al. said storage medium being commonly known in this art. It would have been obvious to a person of ordinary skill in this art to apply the teachings of Smith et al. to the Jenkins et al. in view of Turner apparatus and associated method and have an apparatus and associated method that uses a different type of storage medium.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Henrion et al. discloses a state of the art method for processing 3-dimensional signals.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Johnson whose telephone number is 703-306-4158. The examiner can normally be reached on Tuesday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 703-306-4198. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4177.

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The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326. The fax phone number for after final communications is (703) 872-9327.



STEPHEN M. JOHNSON
PRIMARY EXAMINER

Stephen M. Johnson
Primary Examiner
Art Unit 3641

SMJ